

The motion prevailed by the following vote:

Yeas—16

Aikin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Carney	McDonald
Cousins	Strauss
Hardeman	Taylor
Hudson	Tynan
Kelley of Hidalgo	Weinert

Nays—11

Bracewell	Moffett
Colson	Moore
Corbin	Morris
Harris	Proffer
Jones	Vick
Lane	

Absent

Hazlewood

Absent—Excused

Bullock	Shofner
Phillips	

The Senate accordingly at 12:25 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, May 23, 1949.

FIFTY-THIRD DAY

(Monday, May 23, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Phillips

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Bell, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 19, 1949, was dispensed with and the Journal approved.

Leave of Absence Granted

Senator Phillips was granted leave of absence for today on account of illness on motion of Senator McDonald.

Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 473, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Proffer submitted the following report:

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 921, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senate Bill 485 on First Reading

Senator Kelly of Tarrant moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Ashley
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Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Kelly of Tarrant	Tynan
Lane	Vick
Lock	

Absent

Corbin	Kelley of Hidalgo
Hazlewood	Weinert
Jones	

Absent—Excused

Phillips

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelly of Tarrant:

S. B. No. 485, A bill to be entitled "An Act making an emergency appropriation for the Adjutant General's Department, State of Texas, for the remainder of the current fiscal year ending August 31, 1949; and declaring an emergency."

To the Committee on Finance.

Senate Bill 426 Set as Special Order

Senator Kelley of Hidalgo moved that Senate Bill No. 426 be set as a special order for Tuesday, May 24, 1949, immediately following the disposition of all other special orders set for that day.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Cousins	Morris
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Corbin	Proffer
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Absent—Excused

Phillips

Senate Bill 148 With House Amendments

Senator Hazlewood called S. B. No. 148 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Shofner
Cousins	Strauss
Hardeman	Taylor
Harris	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Corbin	McDonald
Hudson	Proffer
Jones	

Absent—Excused

Phillips

Additional Names Included in Senate Resolution 166

On motion of Senator Kelly of Tarrant, the following names were included in Senate Resolution 166, a resolution in memory of those who died in the Fort Worth flood:

Josephine Scott, Mrs. Frances Moore, Mrs. Eula Lylee, John D. Fawks, Mrs. Jose Kent of Jacksonville, Florida, Frank W. Guy, Quilla Robinson.

Senate Bill 481 on Second Reading

On motion of Senator Strauss and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 481, A bill to be entitled "An Act amending the second paragraph of Section 11 of Chapter 358 of the Acts of the 49th Legislature, Regular Session, 1945, also known as Article 6053 of Vernon's Annotated Civil Statutes, so as to clarify and specify the kind and amounts of insurance coverage to be carried by every licensee, as described in that Act, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 481 on Third Reading

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 481 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Bracewell	Proffer
Hazlewood	Shofner

Absent—Excused

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Aikin	Proffer
Hazlewood	

Absent—Excused

Phillips

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 19, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

H. C. R. No. 109, Requesting Honorable Jesse M. Donaldson, Postmaster General of the United States, to have prepared and issued a postage stamp in commemoration of the seventy-fifth anniversary of the existence of the Agricultural and Mechanical College of Texas.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Concurrent Resolution 109

The President laid before the Senate for consideration at this time:

H. C. R. No. 109, Requesting Honorable Jesse M. Donaldson, Postmaster General of the United States, to have prepared and issued a postage stamp in commemoration of the seventy-fifth anniversary of the existence of the Agricultural and Mechanical College of Texas.

The resolution was read and was adopted.

Senate Bill 192 on Passage to Engrossment

The President laid before the Senate as the unfinished special order on its passage to engrossment:

S. B. No. 192, A bill to be entitled "An Act amending House Bill No. 155, passed at the Regular Session of the 50th Legislature of Texas, and declaring an emergency."

The bill having been read second time on Tuesday, May 10, 1949, with an amendment by Senator Moore pending.

Question—Shall the amendment be adopted?

The amendment was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to engrossment.

Senate Bill 192 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 192 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—2

Bell	Hardeman
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Absent

Jones	Lane
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Absent—Excused

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Nays—2

Bell	Hardeman
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Absent—Excused

Phillips

House Bill 212 on Second Reading

The President laid before the Senate as a special order for this hour on its second reading and passage to third reading (the bill containing the same substance matter as S. B. No. 176 set as a special order for this hour):

H. B. No. 212, A bill to be entitled "An Act making it unlawful to drive or operate any motor or other vehicle upon any beach in the State at a rate of speed in excess of twenty-five (25) miles per hour during the daytime and in excess of twenty (20) miles per hour during the nighttime, or at any time while the operator of such vehicle is intoxicated; providing for arrest without warrant for such violations; defining beach and providing the penalty; and declaring an emergency."

The bill was read second time.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend House Bill No. 212 by adding the following Section to be known as Section 3a immediately after the end

of Section 3 on page 2 of said bill, to read as follows:

"Section 3a. The drivers license of any person shall be automatically suspended upon final conviction of the offense of driving or operating a motor or other vehicle while intoxicated under this Act, as follows: Upon first conviction, for a period of six (6) months from and after the date of conviction; and upon any subsequent conviction for a period of twelve (12) months from and after the date of such conviction. Whenever any person is convicted of any offense for which this Act makes automatic the suspension of the drivers license, the suspension thereof shall be accomplished in the manner provided in Article IV, of Chapter 173, of the Acts of the 47th Legislature, 1941. By the term 'drivers license' as used herein is meant all 'operators,' 'commercial operators,' and 'chauffeurs,' licenses provided for in Chapter 173 of the Acts of the 47th Legislature, 1941."

The amendment was adopted.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend House Bill No. 212 by adding the following Section to be known as Section 4a immediately after the end of Section 4 on page 2 of said bill:

"Section 4a. If any section or portion of this Act be held invalid or unconstitutional, such invalidity shall not affect the remaining portions of this Act, it being declared to be the intention of the Legislature to enact such portions separately."

The amendment was adopted.

On motion of Senator Kelley of Hidalgo and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 212 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin

Ashley

Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Hazlewood Strauss

Absent—Excused

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Proffer
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Cousins Shofner
Hazlewood Strauss

Absent—Excused

Phillips

Senate Resolution 170

Senator Bullock offered the following resolution:

Whereas, Shary Shivers, son of Lt. Governor Shivers, is visiting in the Senate today; and

Whereas, It is the desire of the Senate to name him an honorary page, now, therefore, be it

Resolved, That Shary Shivers be named an honorary page of the Senate for this day and that a copy of this Resolution be sent him as a memento of this occasion.

The resolution was read and was adopted.

Caption of House Bill 1 Amended

On motion of Senator Taylor and by unanimous consent, the caption of House Bill No. 1 was ordered amended to conform with the body of the bill.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 1 by vote of 120 yeas, 4 nays.

The House has concurred in Senate amendments to House Bill No. 162 by vote of 117 yeas, 0 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills and Resolution Signed

The President signed, in the presence of the Senate after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 115, A bill to be entitled "An Act providing a more efficient method of State administration of the public free schools; creating a central education agency, defining the powers and duties thereof; establishing the component parts thereof, including a State Board of Education, a State Commission of Education, and a State Department of Education; providing for the appointment of a Textbook Committee, and a State School Investment Commission, with powers and duties of each defined; providing certain general provisions; terminating and abolishing the present State Board of Education and State Superintendent of Public Instruction; repealing conflicting laws or parts of laws; containing a savings clause, and declaring an emergency."

H. B. No. 862, A bill to be entitled "An Act amending Section 4 of House Bill No. 961, Chapter 458, Acts, 47th Legislature, Regular Session, authorizing the appointment of a County

Engineer, prescribing his duties, qualifications and salary; authorizing the employment, discharge, and fixing of compensation of Road and Bridge Employees, authorizing the purchase of automobiles for the use of the County Commissioners and payment of all necessary traveling expenses of the County Judge, County Auditor, and County Commissioners; etc.; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act authorizing and instructing the State Board of Control to sell a tract of land situated in Wichita County, Texas, containing 5 acres of land more or less; providing that abstract, or title insurance may be secured; providing that the Chairman of the State Board of Control may execute deed of conveyance; providing for reserving a one-sixteenth (1/16th) free royalty mineral interest; providing for disposition of funds; and declaring an emergency."

H. B. No. 769, A bill to be entitled "An Act amending Article 2351 of the Revised Civil Statutes of Texas, 1925, by adding thereto a provision empowering the Commissioners' Court of each county of this State to contract with the United States Government, or with any agency thereof, for the acquisition of any land or interest in land in such county owned by the United States Government, or any agency thereof, and for the acquisition of any temporary housing on land which the United States Government, or any agency thereof, may own or control; etc.; and declaring an emergency."

H. B. No. 770, A bill to be entitled "An Act amending Article 2351 of the Revised Civil Statutes of Texas, 1925, by adding thereto a provision empowering the Commissioners' Court of each county of this State, where said county has heretofore acquired or may hereafter acquire land for an airport through purchase or gift from any person or source, including the Federal Government, or any agency thereof, to lease said lands and/or the facilities thereof for airport purposes, or for other purposes, not inhibited by the terms of the grant, etc., and declaring an emergency."

H. B. No. 861, A bill to be entitled "An Act to require all wells and cisterns to be covered at all times when not in actual operation and direct supervision; providing penalty for

failure of the owner or operator of any well or cistern to keep said wells or cisterns covered, and declaring an emergency."

H. B. No. 791, A bill to be entitled "An Act providing for increasing the permissive rate of tax to be levied for equalizing educational opportunities in counties having a population of five hundred thousand (500,000) or more, according to the latest preceding Federal Census, so that the rate permissive in such counties shall not exceed Five Cents (5c) to be authorized by an election; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act providing for the annexation by petition of unoccupied lands adjacent to cities or towns having a population of not less than 2315 persons nor more than 2400; and declaring an emergency."

H. B. No. 853, A bill to be entitled "An Act to authorize and empower navigation districts heretofore or hereafter organized, containing a municipality of 300,000 population or more, by the last or any future Federal Census, to set aside Promotion and Development Funds of not more than one per cent (1%) of its gross income from operations in each calendar year in any such Fund and to make payments therefrom of any expenses in connection with any activity or matter incidental to the advertising, development or promotion of such navigation district or its port, waterway, harbor or terminal, or to furthering the general welfare of the same, or to the betterment of relations with steamship and rail lines, shippers, consignees of freight, governmental officials or others interested or sought to be interested in such port, waterway, harbor or terminal; etc.; and declaring an emergency."

H. B. No. 824, A bill to be entitled "An Act providing for an open season when it shall be lawful to hunt, take or kill squirrel in Tyler, San Augustine, Sabine, Jasper and Newton Counties, and declaring an emergency."

H. B. No. 895, A bill to be entitled "An Act authorizing the Commissioners' Court of Nueces County, Texas, to issue bonds to refund Road and Bridge Warrants outstanding at the time this Act becomes effective; describing the method of issuing such

bonds, adopting the provisions of Articles 709 and 715 both inclusive with reference to the approval by the Attorney General and registration by the Comptroller; validating the warrants thus to be refunded; and declaring an emergency."

H. B. No. 867, A bill to be entitled "An Act fixing the tax rates for maintenance and bond purposes of all school districts wherein a public free school building may have been destroyed by fire, flood, storm or Act of God, or may have been damaged by the same to such extent that it is no longer useable as a public free school building or may hereafter be so destroyed or damaged, which school district now or hereafter may levy a total tax of \$1.50 per \$100.00 assessed valuation of taxable property; providing that no tax shall be levied and no bond shall be issued hereunder until authorized by a majority vote of the duly qualified property taxpaying voters who had duly rendered the same for taxation voting at an election therefor; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 888, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising the territory contained within and adjacent to the City of Eastland in Eastland County, Texas, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; etc.; and declaring an emergency."

H. B. No. 763, A bill to be entitled "An Act providing for a salary of not less than Four Thousand Five Hundred (\$4,500) Dollars nor more than Seven Thousand Five Hundred (\$7,500) Dollars for Justices of the Peace who are compensated on a salary basis in precincts situated in a city or which include a city or a part thereof, having a population in excess of three hundred fifty thousand (350,000) inhabitants according to the last preceding Federal Census; providing this Act shall be severable; repealing all laws in conflict; and declaring an emergency."

H. B. No. 773, A bill to be entitled "An Act amending Section 1, Chap. 373, Acts of the R. S. of the 47th Legislature, 1941, providing for an open

season on quail on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays during the period beginning December 1 and ending January 16, both dates inclusive, in Hopkins, Delta and Franklin Counties; and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act providing an open season for hunting, taking, and killing quail in Upshur County, Texas; fixing the days on which such hunting is permitted; fixing the limit on the number of quail killed or that any person may have in possession at any time; making said Act applicable to all varieties of quail; fixing a penalty; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act fixing a closed season on wild deer, turkeys, and beavers in Anderson and Henderson Counties; prescribing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act making an emergency appropriation for the use of the Rio Grande Compact Commissioner; and declaring an emergency."

H. B. No. 898, A bill to be entitled "An Act providing for the compensation of Constables and Deputy Constables in certain counties for the repair and maintenance of privately owned automobiles used by such Constables and their Deputies in the discharge of official duties; and declaring an emergency."

H. B. No. 915, A bill to be entitled "An Act amending Sections 8, 16 and 18 of House Bill No. 103, Acts of the Fifty-first Legislature, 1949, and also by adding a new Section to be known as Section 23a, so as to make it discretionary with the State Board of Examiners in the Basic Sciences in regard to reciprocity; and providing for exemptions as to certain persons; and providing for a severability clause; and declaring an emergency."

H. B. No. 910, A bill to be entitled "An Act pertaining to compensation of employees of certain county and precinct officials in counties with a population of not less than three hundred and one thousand (301,000) inhabitants, nor more than three hundred ninety-eight thousand (398,

000) inhabitants, and to justice precincts in such counties having a population of not less than two hundred thousand (200,000) inhabitants in such precincts, according to the last preceding or any future Federal Census, and who are compensated on a salary basis; providing that the County Commissioners' Court shall grant to such offices a minimum budget appropriation for deputy clerk hire of not less than the payroll of March 1949 of such office multiplied by twelve (12) (months), plus an additional fifteen per cent (15%); providing that every employee who is on the payroll when this Act becomes effective shall receive a fifteen per cent (15%) increase in salary, provided said employee was on any part of the March 1949 payroll of said office; etc.; and declaring an emergency."

H. B. No. 899, A bill to be entitled "An Act validating certain orders of Boards of Directors of Water Control and Improvement Districts which have installed and are operating water distribution systems and sewer collection and disposal plants and which have issued ad valorem bonds on such systems payable also out of revenues therefrom and which districts have been enlarged by such orders granting petitions of landowners filed with said districts that lands described in such petitions be added to said districts; and declaring an emergency."

H. B. No. 901, A bill to be entitled "An Act accepting title to land in Kimble County, tendered by Kimble County to the State of Texas for use by the Agricultural and Mechanical College of Texas pursuant to H. B. No. 64, Acts of the 51st Legislature; authorizing the Commissioners' Court of Kimble County to execute a deed conveying such title to the State; and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act establishing a Police Officers' Pension System in all cities of this State having a population of not less than one hundred seventy-five thousand (175,000) inhabitants, nor more than two hundred forty thousand (240,000) inhabitants, according to the last preceding or any future Federal Census; providing a savings clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 487, A bill to be entitled "An Act amending Section 1, Chap-

ter 167, page 273, Acts Regular Session of the 50th Legislature, 1947, pertaining to open season for buck deer in certain counties by adding thereto the County of Zapata; and declaring an emergency."

H. B. No. 114, A bill to be entitled "An Act authorizing the Texas Agricultural Experiment Station of the Texas Agricultural and Mechanical College System to transfer the Field Laboratory for Agricultural Research from its present location near San Antonio in Bexar County to the Main Station at College Station, Texas, and to sell the State property including the 10 acres of land, buildings, and improvements thereon and to use the proceeds for re-establishing the Laboratory at College Station; and declaring an emergency."

H. B. No. 24, A bill to be entitled "An Act declaring the floods in Bexar, Wilson, Karnes and Goliad Counties, Texas, to be public calamity; authorizing a donation and grant to the San Antonio River Canal and Conservancy District of all of the State ad valorem taxes collected in said counties for two years; providing that such donated taxes shall be used for construction and operation of flood control improvement and in aid thereof; specifying the reports thereon to be made by the Assessor and Collector of Taxes; making existing State laws applicable to contracts, receipts and disbursements and accounting for said public funds; suspending all laws in conflict; and declaring an emergency."

H. C. R. No. 104, Granting permission to the Enrolling Clerk of the House of Representatives to make the caption conform to the body of House Bill No. 487.

Senate Bill 37 on Second Reading

Senator Aikin moved to suspend the regular order of business to take up S. B. No. 37 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Colson	Lock
Corbin	Martin
Hazlewood	McDonald
Hudson	Moffett
Jones	Moore

Proffer	Taylor
Strauss	Tynan

Nays—8

Bell	Lane
Bullock	Morris
Carney	Vick
Hardeman	Weinert

Absent

Bracewell	Harris
Cousins	Shofner

Absent—Excused

Phillips

S. B. No. 37, A bill to be entitled "An Act amending Article 2843, Acts of 1941, 47th Legislature, Regular Session, House Bill 312, as amended by Acts, 50th Legislature, Regular Session, 1947, Senate Bill 215, and Acts 50th Legislature, Regular Session, 1947, House Bill 528, and specifically repealing Articles 2844 and 2844a, as amended in Acts, 1937, 45th Legislature, page 329, Chapter 67, Section 1, providing for a multiple list of free textbooks in the elementary grades in specified subjects; etc.; and declaring an emergency."

The bill was read second time.

Senator Proffer offered the following committee amendment to the bill:

Amend Senate Bill No. 37 by inserting after the fourth paragraph of Section 1 the following:

"Any publisher contracting with the State of Texas to furnish textbooks shall be limited to (2) representatives calling on members of the State Textbook Committee of the State Board of Education, or on the public schools of Texas. Eligibility to call on these groups shall be created by registering with the Secretary of State and the issuance by the Secretary of State of cards of identification and eligibility, which card will be presented at the time of the call upon members of said group."

Question recurring on the committee amendment, yeas and nays were demanded.

The committee amendment was adopted by the following vote:

Yeas—20

Akin	Bell
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Bracewell	Lane
Bullock	Lock
Carney	McDonald
Colson	Moffett
Corbin	Moore
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan

Nays—8

Ashley	Martin
Hardeman	Morris
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Cousins	Strauss
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Absent—Excused

Phillips

Senator Morris offered the following amendment to the bill:

Amend Senate Bill 37 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. There is hereby created a State Textbook Committee to replace the present Textbook Committee created by Chapter 144 of the Acts of the Regular Session of the 49th Legislature, which Committee shall have all the powers and duties of the present Textbook Committee not inconsistent with the provisions of this Act. Said Committee shall consist of fourteen (14) members appointed by the State Board of Education. Appointments to new terms shall be made not later than the 31st day of May in each year.

"Section 2. Said Committee shall be divided into two sections, to-wit, an Elementary Section composed of seven (7) members who shall be outstanding teachers, principals or supervisors in the elementary grades of the public school system, and a High School Section composed of seven (7) members who shall be outstanding teachers or principals in high school grades of the public school system, provided that two (2) members of the High School Section may be superintendents and provided further that at least three (3) of the members of each Section shall be active classroom teachers. No two (2) members shall reside in the same county. No member shall be eligible to succeed him-

self as a member of said Committee, provided, however, that members of the present Textbook Committee shall not be ineligible for appointment to the short term on the first Committee appointed after the effective date of this Act under succeeding provisions of this Article.

"No person who has acted as an agent for any author or textbook publishing house or as the attorney of any author or textbook publishing house, or has been an author or associate author of any textbook published by any publishing house, or who has been directly or indirectly concerned in the authorship of any textbook or connected with any textbook publishing house, shall be eligible to appointment as a member of said Committee. Each member of said Committee shall take the Constitutional oath of office and shall in addition make affidavit that he is not disqualified for such membership by reason of any of the provisions of this section.

"Section 3. Within thirty days after the effective date of this Act the State Board of Education shall appoint the fourteen members of the Textbook Committee required by this Act. Three (3) members of the Elementary Section and three (3) members of the High School Section shall be appointed to serve until May 31, 1950, and the remaining eight (8) members shall be appointed to serve until May 31, 1951. Thereafter, members shall be appointed to serve for a term of two (2) years, all terms to expire on May 31. Vacancies shall be filled by appointment by the State Board of Education for the remainder of the unexpired term.

"Section 4. The said Textbook Committee shall meet in Austin at such times as the State Board of Education shall direct. At the first meeting after May 31 in each year the said Committee shall organize by electing a President and Secretary for the Committee and each Section shall select a Chairman and Secretary for the Section. The Committee shall adopt such rules and regulations for the conduct of business as may be necessary and not inconsistent with the provisions of this or any other law, provided, however, that for the transaction of any business nine (9) members shall constitute a quorum for the Committee and five (5) members shall constitute a quorum for

either Section of the Committee. The members of the Committee shall be entitled to the same compensation as members of the State Board of Education. Necessary clerical and stenographic assistance shall be provided the Committee by the State Department of Education.

"Section 5. The Elementary Section of the Textbook Committee shall examine carefully each book offered for adoption in the elementary field, which, for the purposes of this Act, shall be considered the first eight (8) grades of the public school system. The High School Section of the Textbook Committee shall examine carefully each book offered for adoption in the High School field, which, for the purposes of this Act, shall be considered grades nine (9) through twelve (12) of the public school system. It shall be the duty of the Elementary Section to recommend for adoption for each elementary grade and subject in which books are offered for adoption not more than four (4) books for each basal text to be adopted; and it shall be the duty of the High School Section to recommend for adoption for each grade, in which multiple adoptions are to be made, not more than seven (7) books for each subject and grade, such recommendations in each instance to be those books deemed most suitable for use in the grade and subject for which offered of all books offered for that grade and subject, taking into consideration the adaptability of the book to the grade for which it is offered, the content or subject matter, and other criteria prescribed by the Committee, provided, however, that no book shall be recommended by either Section except on the affirmative vote of five (5) members of the Section. Recommendations of textbooks for adoption for use in elementary grades shall be made only by the Elementary Section of the Committee and recommendations of textbooks for adoption for use in high school grades shall be made only by the High School Section of the Committee. It shall be the duty of the Textbook Committee to recommend to the State Board of Education for adoption those books recommended by each Section, and no book shall be adopted or purchased by the State Board of Education, which has not been recommended by the State Textbook Committee.

"Section 6. The State Textbook Committee shall have the authority to

establish a rating system, if it deems it desirable, for the rating of books offered for adoption, but the basis for such ratings shall be established by order of the Textbook Committee and shall be published by the Committee at least sixty (60) days before any meeting of the Committee or either Section at which such system is used. The rating of all books shall be expressed by points or percentages, and no system which lists such ratings as first, second, third, and so on, or good, better, best, or similarly, shall be used. All books shall be rated according to the same published system of rating.

"Section 7. The State Textbook Committee shall be authorized to make such recommendations to the State Board of Education concerning textbook matters as to it may be deemed desirable. The State Board of Education shall give careful consideration to such recommendations and shall make such recommendations a part of the permanent record by including a transcript in the minutes of the Board.

"Section 8. The fact that under the current statutes, the method of adopting textbooks for the public schools is inadequate and needs clarification creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(President pro tempore in the Chair)

Question—Shall the amendment be adopted?

Recess

On motion of Senator Carney, the Senate at 12:00 o'clock m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by Senator Aikin.

Bill Re-referred

On motion of Senator Colson and by unanimous consent, H. B. No. 422 was withdrawn from the Committee on Finance and re-referred to the Committee on Claims and Accounts.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Bell submitted the following reports:

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 751, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 604, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

BELL, Chairman.

Senator Corbin submitted the following reports:

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred House Bill No. 790, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 483, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CORBIN, Chairman.

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 480, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

Senate Bill 37 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 37 on its passage to engrossment with an amendment by Senator Morris pending.

Question—Shall the amendment be adopted?

Question recurring on the amendment, it was adopted.

Senator Morris offered the following amendment to the bill:

Amend Senate Bill No. 37 by striking out all above the enacting clause and inserting in lieu thereof the following:

**A BILL
TO BE ENTITLED**

"An Act amending Article 2843, Revised Civil Statutes, 1925, as amended, and specifically repealing Senate Bill No. 148, 49th Legislature, Regular Session (Section 5 (f) of Article 2675b, V. C. S.); providing for the creation of the State Textbook Committee; providing for the appointment of the Committee members by the State Board of Education and their term of office; defining qualifications for membership, outlining the duties of the Committee and members; fixing the compensation of Committee members; repealing all laws in conflict; providing a savings clause; and declaring an emergency."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 37 on Third Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Akin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Bullock	Jones
Carney	Weinert

Absent—Excused

Phillips

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Akin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Absent

Carney	Weinert
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Absent—Excused

Phillips

House Bill 320 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 320, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1949, and ending August 31, 1951; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the committee amendment striking out all after the enacting clause of the bill and inserting in lieu thereof the complete text of a new bill (the text of the amendment being the same as the text of S. B. No. 135 below the enacting clause).

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 320, page 9, by adding a new subdivision and item to be known as

Judges' Retirement

1. Judges Retirement, \$75,000, \$75,000.

2. Administrative, equipment, postage, telegraph, telephone, furniture, \$30,000, unexpended balance.

The amendment was adopted.

(President in the Chair)

On motion of Senator Hardeman and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 320 on Third Reading

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 320 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Akin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Absent

Carney	Weinert
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Absent—Excused

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolutions:

S. C. R. No. 13, Relative to memorializing and requesting the Congress of the United States to enact a bill to assist the State in collecting sales and use taxes on cigarettes now being evaded by shipments through the United States mails.

S. C. R. No. 58, Relative to opposing socialized medicine in the United States, etc. With amendment.

H. C. R. No. 100, Granting permission to Charles R. Guest to sue the State of Texas and/or the State Highway Department.

H. C. R. No. 111, Authorizing the Enrolling Clerk of the House to amend the caption to conform with the body of House Bill No. 779.

The House has concurred in Senate amendments to House Bill No. 6 by

vote of 128 yeas, 0 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 322 on Second Reading

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 322, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two-year period beginning September 1, 1949, and ending August 31, 1951, and for payment of other specified claims and items; providing for reports of absence from duty of employees; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photostat machines; providing for rentals on machines and equipment; etc., and declaring an emergency."

The bill was read second time.

Senator Taylor offered the committee amendment striking out all after the enacting clause and inserting in lieu thereof the complete text of a new bill (the text of the amendment being the same as the text of S. B. No. 133 below the enacting clause).

The amendment was adopted.

Senator Strauss offered the following amendment to the bill:

Amend H. B. No. 322, page 161, item 70, by striking out the figures \$6,000.00 and substituting in lieu thereof the figures \$5,604.00.

Senator Carney moved to table the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Akin	Hazlewood
Carney	Kelley of Hidalgo
Colson	Kelly of Tarrant
Cousins	Lane

Martin
Morris
Proffer

Taylor
Vick

Nays—15

Ashley	Jones
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Corbin	Shofner
Hardeman	Strauss
Harris	Tynan
Hudson	

Absent

Lock Weinert

Absent—Excused

Phillips

Question recurring on the amendment, it was adopted.

Senator Strauss offered the following amendment to the bill:

Amend H. B. No. 322, page 161, item 71, by striking out the figures, \$6,000.00, and substituting in lieu thereof the figures \$5,604.00.

The amendment was adopted.

Senator Strauss offered the following amendment to the bill:

Amend H. B. No. 322, page 160, item 68, by striking out the figures \$10,008.00, and substituting in lieu thereof the figures \$8,352.00.

Senator Carney moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Akin	Martin
Ashley	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Hazlewood	Shofner
Kelley of Hidalgo	Taylor
Lane	Tynan
Lock	

Nays—9

Bell	Hardeman
Bullock	Harris

Hudson Strauss
Jones Vick
Kelly of Tarrant

Absent

Cousins Weinert

Absent—Excused

Phillips

The bill was passed to third reading.

House Bill 322 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 322 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Akin	Jones
Ashley	Lane
Bell	Lock
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick

Nays—2

Kelly of Tarrant Martin

Absent

Kelley of Hidalgo Weinert

Absent—Excused

Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the final passage of H. B. No. 322.

House Bill 319 on Second Reading

On motion of Senator Morris and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 319, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1949, and ending August 31, 1951, both dates inclusive; etc.; and declaring an emergency."

The bill was read second time.

Senator Morris offered the committee amendment to the bill, striking out all after the enacting clause of the bill and inserting in lieu thereof the complete text of a new bill (the text of the amendment being the same as that of the text of S. B. No. 134 below the enacting clause).

The amendment was adopted.

Senator Morris offered the following committee amendment to the bill:

Amend House Bill 319 by striking out all above the enacting clause and inserting in lieu thereof the following:

A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1949, and ending August 31, 1951, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency."

The amendment was adopted.

Senator Hudson offered the following amendment to the bill:

Amend H. B. No. 319, page 24 under

"Sul Ross State Teachers College, item 4, Improvement and Repairs" by striking out the figures "\$50,000.00" for the fiscal year ending August 31, 1950, and insert in lieu thereof "\$157,260.00," and by striking out the figures "\$32,000.00" FOR the fiscal year ending August 31, 1951 and inserting in lieu thereof "\$73,000.00."

Senator Morris moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—14

Akin	Moffett
Bracewell	Moore
Bullock	Morris
Colson	Proffer
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Weinert

Nays—12

Ashley	Hazlewood
Bell	Hudson
Corbin	Jones
Cousins	Martin
Hardeman	McDonald
Harris	Strauss

Absent

Carney	Shofner
Kelley of Hidalgo	Vick

Absent—Excused

Phillips

Senator Harris offered an amendment to the bill, against which Senator Weinert raised a point of order.

Senator Harris, without awaiting a ruling on the point of order, withdrew the amendment and offered the following amendment to the bill:

Amend House Bill No. 319 by adding Section 3 on page 6 of said Committee Amendment as follows, and re-numbering Section 3 as Section 4:

1. The Southwestern Medical College of the University of Texas is hereby created for the State of Texas. It shall be located and is hereby established in the City of Dallas, Dallas County, Texas, provided the Southwestern Medical Foundation shall make, execute and deliver to the Board of Regents of the University of Texas, for and on behalf of the State of Texas, deeds of conveyance, bills of sale, assignments and transfers conveying, assigning and delivering all

property, real, personal and mixed, owned by said Southwestern Medical Foundation and used or usable in the conduct of Southwestern Medical College, including all real estate, buildings, libraries, laboratories, apparatus, equipment, records and leases but not including cash, notes, bonds, pledges or endowment assets of any kind owned and held by Southwestern Medical Foundation. All of such assets so to be conveyed and transferred to the Board of Regents of the University of Texas shall be free of all debt or other encumbrances and the real estate so conveyed shall be used for the site and occupancy of the Southwestern Medical College of the University of Texas and for the site and occupancy of facilities, such as hospitals, laboratories, dormitories and other installations in aid of research and teaching at the said Southwestern Medical College of the University of Texas upon such terms and conditions as to the Board of Regents of the University of Texas may seem proper. Before acceptance of such conveyances and transfers from the Southwestern Medical Foundation, the Board of Regents shall secure the opinion of the Attorney General on the title to all property to be conveyed.

2. The Southwestern Medical College of the University of Texas is hereby made and constituted a branch of the University of Texas for research and instruction in medical education. The University of Texas, through its Board of Regents, shall take over the management and control of the Southwestern Medical College of the University of Texas as of the close of the present semester of Southwestern Medical College.

3. Southwestern Medical College of the University of Texas shall be conducted in conformity with the highest standards required of similar institutions throughout the country and at all times so as to constitute it a medical college of the first class.

4. The faculty of the Southwestern Medical College of the University of Texas shall be elected by the Board of Regents of the University of Texas. Those elected shall thereupon become members of the faculty of the University of Texas.

5. The Board of Regents of the University of Texas shall have the authority to prescribe courses leading to customary degrees, to confer degrees upon and issue diplomas to present and former students of South-

western Medical College and to future students of Southwestern Medical College of the University of Texas as recommended from time to time by the faculty and officers of Southwestern Medical College of the University of Texas and to make such other rules and regulations for the operation, control and management of Southwestern Medical College of the University of Texas as may be necessary for its conduct as a medical college of the first class.

6. The Board of Regents of the University of Texas shall fix the amount of tuition and fees to be charged students in said Medical College and all moneys and fees and all other receipts of said Medical College are hereby appropriated to said Medical College to be expended under the direction and with the approval of the Board of Regents of the University of Texas. Should the Legislature, however, appropriate these funds in any general or special appropriation bill, and itemize or otherwise direct the expenditure of such funds for the use of said Medical College, such action shall control over the provisions of this Section.

7. It shall be the duty of the Board of Regents of the University of Texas to proceed with the planning for and construction of buildings and other improvements necessary for the conduct and operation of a first-class medical college, with entering classes of one hundred (100), upon the land to be conveyed to it by Southwestern Medical Foundation. Suitable sites for hospitals, laboratories, research buildings, dormitories, residences and other improvements necessary for the conduct of a research and teaching medical college of the first class shall be designated and set apart for such purposes by the Board of Regents and may be leased, sold or otherwise disposed of by said Board upon such terms as will in the judgment of the said Board most effectively serve and promote the research and teaching program of said College. No portion of such real estate shall be disposed of by said Board of Regents otherwise than for the purpose of promoting research and teaching at such College. The Board of Regents shall employ such architects and engineers as may be necessary to carry out the foregoing duties.

8. The Board of Regents of the University of Texas is hereby authorized to accept and administer, upon

terms and conditions satisfactory to it, grants or gifts of property or money which may be tendered to it in aid of research and teaching at said Medical College.

Senator Weinert raised a point of order against the amendment on the ground that since the purpose of the amendment is to create a new medical branch of the University of Texas, its adoption would insert into the pending general appropriation bill legislation on a subject which may not, under Section 35 of Article III of the Constitution, be included in such a bill.

The President sustained the point of order and further stated that the insertion of the amendment in the pending bill would be permissible only if it could be regarded and construed as comprised only of matter incidental or complementary to an appropriation or prescribing limitations and directions for expending the appropriation.

Senator Harris offered the following amendment to the bill:

Amend House Bill No. 319 by adding Section 3 on Page 6 as follows, and renumbering Section 3 as Section 4:

1. The Southwestern Medical College of the University of Texas is hereby created for the State of Texas. It shall be located and is hereby established in the City of Dallas, Dallas County, Texas, provided the Southwestern Medical Foundation shall make, execute and deliver to the Board of Regents of the University of Texas, for and on behalf of the State of Texas, deeds of conveyance, bills of sale, assignments and transfers conveying, assigning and delivering all property, real, personal and mixed, owned by said Southwestern Medical Foundation and used or usable in the conduct of Southwestern Medical College, including all real estate, buildings, libraries, laboratories, apparatus, equipment, records and leases but not including cash, notes, bonds, pledges or endowment assets of any kind owned and held by Southwestern Medical Foundation. All of such assets so to be conveyed and transferred to the Board of Regents of the University of Texas shall be free of all debt or other encumbrances and the real estate so conveyed shall be used for the site and occupancy of the Southwestern Medical College of the University of Texas and for the

site and occupancy of facilities, such as hospitals, laboratories, dormitories and other installations in aid of research and teaching at the said Southwestern Medical College of the University of Texas upon such terms and conditions as to the Board of Regents of the University of Texas may seem proper. Before acceptance of such conveyances and transfers from the Southwestern Medical Foundation, the Board of Regents shall secure the opinion of the Attorney General on the title to all property to be conveyed.

2. The Southwestern Medical College of the University of Texas is hereby made and constituted a branch of the University of Texas for research and instruction in medical education. The University of Texas, through its Board of Regents, shall take over the management and control of the Southwestern Medical College of the University of Texas as of the close of the present semester of Southwestern Medical College.

3. Southwestern Medical College of the University of Texas shall be conducted in conformity with the highest standards required of similar institutions throughout the country and at all times so as to constitute it a medical college of the first class.

4. The faculty of the Southwestern Medical College of the University of Texas shall be elected by the Board of Regents of the University of Texas. Those elected shall thereupon become members of the faculty of the University of Texas.

5. The Board of Regents of the University of Texas shall have the authority to prescribe courses leading to customary degrees, to confer degrees upon and issue diplomas to present and former students of Southwestern Medical College and to future students of Southwestern Medical College of the University of Texas as recommended from time to time by the faculty and officers of Southwestern Medical College of the University of Texas and to make such other rules and regulations for the operation, control and management of Southwestern Medical College of the University of Texas as may be necessary for its conduct as a medical college of the first class.

6. The Board of Regents of the University of Texas shall fix the amount of tuition and fees to be charged students in said Medical College and all moneys and fees and all

other receipts of said Medical College are hereby appropriated to said Medical College to be expended under the direction and with the approval of the Board of Regents of the University of Texas. Should the Legislature, however, appropriate these funds in any general or special appropriation bill, and itemize or otherwise direct the expenditure of such funds for the use of said Medical College, such action shall control over the provisions of this Section.

7. It shall be the duty of the Board of Regents of the University of Texas to proceed with the planning for and construction of buildings and other improvements necessary for the conduct and operation of a first-class medical college, with entering classes of one hundred (100), upon the land to be conveyed to it by Southwestern Medical Foundation. Suitable sites for hospitals, laboratories, research buildings, dormitories, residences and other improvements necessary for the conduct of a research and teaching medical college of the first class shall be designated and set apart for such purposes by the Board of Regents and may be leased, sold or otherwise disposed of by said Board upon such terms as will in the judgment of the said Board most effectively serve and promote the research and teaching program of said College. No portion of such real estate shall be disposed of by said Board of Regents otherwise than for the purpose of promoting research and teaching at such College. The Board of Regents shall employ such architects and engineers as may be necessary to carry out the foregoing duties.

8. The Board of Regents of the University of Texas is hereby authorized to accept and administer, upon terms and conditions satisfactory to it, grants or gifts of property or money which may be tendered to it in aid of research and teaching at said Medical College.

9. There is hereby appropriated out of the State Treasury from any moneys not otherwise appropriated the sum of Two Million Dollars (\$2,000,000) or so much thereof as may be necessary to be expended in the planning, construction and supervision of the buildings necessary for the conduct of said Medical College and for initially equipping such buildings and other permanent improvements. And for the support, operation and maintenance of said Medical

College, including the payment of salaries of its faculty, officers and employees, for each of the fiscal years of the biennium ending August 31, 1951.

Senator Morris raised a point of order against the amendment on the ground that it violates Section 6 of Article 16 of the Constitution.

The President overruled the point of order.

Question—Shall the amendment be adopted?

Senate Joint Resolution 4 with House Amendments

Senator Harris called S. J. R. No. 4 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Harris moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—23

Akin	Kelly of Tarrant
Ashley	Lock
Bell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Proffer
Hazlewood	Shofner
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—5

Bracewell	Taylor
Carney	Weinert
Lane	

Absent

Cousins	Strauss
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Absent—Excused

Phillips

Senate Bill 260 with House Amendments

Senator Strauss called S. B. No. 260 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Strauss moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Akin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Phillips

Senate Concurrent Resolution 58 with House Amendments

Senator Cousins called S. C. R. No. 58 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Cousins moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Bills and Resolution Signed

The President signed in the presence of the Senate after giving due notice thereof the following enrolled bills and resolution:

H. B. No. 6, A bill to be entitled "An Act authorizing, empowering and directing the Board of Regents of the Texas State Teachers Colleges to contract with certain municipalities for

water and other utility services at North Texas State Teachers College; repealing all laws, contracts and agreements in conflict herewith, and declaring an emergency."

S. B. No. 148, A bill to be entitled "An Act to amend Title 5, Articles 176 and 176A of the Revised Civil Statutes of the State of Texas, 1925, by adding a new article to be designated as Article 176B, providing that Reports of Alien Ownership of Land may be filed on or before Six Months from the time the occasion arises for filing such report; and declaring an emergency."

S. C. R. No. 13, Relative to memorializing and requesting the Congress of the United States to enact a bill to assist the State in collecting sales and use taxes on cigarettes now being evaded by shipments through the United States mails.

House Concurrent Resolution 111

The President laid before the Senate for consideration at this time:

H. C. R. No. 111, Authorizing the Enrolling Clerk of the House to amend the caption of H. B. No. 779 to conform to the body of the bill.

The resolution was read and was adopted.

Recess

Senator Shofner moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—27

Akin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Hardeman	Proffer
Harris	Shofner
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—3

Corbin	Cousins
Strauss	

Absent—Excused

Phillips

The Senate accordingly at 4:55 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-THIRD DAY

(Continued)

(Tuesday, May 24, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Leave of Absence Granted

Senator Phillips was granted leave of absence for today on account of illness on motion of Senator Proffer.

Senate Resolution 171

Senator Hudson offered the following resolution:

Whereas, The Senior Class of Pecos High School, Pecos, Texas, is on an educational tour, and is now in the Senate Gallery of the State Capitol; and

Whereas, The above group has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting, they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their teachers by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend a cordial welcome to these students and their teachers, and that a copy of this Resolution, under seal of the Senate, be forwarded to the Pecos, Texas, High School as evidence of this recognition.

The resolution was read and was adopted.

Senate Bill 486 on First Reading

Senator Colson moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit her introducing at this time, a bill, the provisions of which she explained.

The motion prevailed by the following vote:

Yeas—29

Akin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelly of Tarrant	

Absent

Kelley of Hidalgo

Absent—Excused

Phillips

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 486, A bill to be entitled "An Act authorizing the State Parks Board to repair, build or construct a dam or dams on the rivers or streams running through the Huntsville State Park for the purpose of impounding the waters thereof and forming reservoirs or lakes to be used for recreational and park purposes; providing that no such dam shall be repaired, built or constructed until a permit has been granted therefor by the State Board of Water Engineers; authorizing the State Parks Board to pay for the repairing, building or construction of such dam or dams and other permanent improvements; providing for the payment of same from the sale of timber from the lands comprising said Park; providing for the cutting and sale of such timber; providing for a special fund in which such moneys shall be placed; repealing all laws and parts of laws in conflict herewith; providing a savings clause; providing for the expenditure of such fund; and declaring an emergency."

To the Committee on Public Lands and Land Office.